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Filing date: **05/16/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217017
Party	Plaintiff Pionetechs, Inc.
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Submission	Other Motions/Papers
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Date	05/16/2016
Attachments	Motion to submit Testimony through Declarations.pdf(72234 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter Trademark Application Serial No. 85817418

For the Mark: IWAITLESS

Filing Date: January 7, 2013

PIONETECHS, INC.,

Opposer,

vs.

**GO SWIFTLY, LLC, a Minnesota Limited
Liability Company,**

Applicant.

Opposition No. 91217017.

**OPPOSER’S MOTION FOR PERMISSION TO PRESENT TESTIMONIAL
EVIDENCE THROUGH WITNESS DECLARATIONS**

Oposer, Pionetechs, Inc., (“Opposer”), by and through the undersigned counsel, hereby files this Motion seeking permission to present all evidence normally presented through testimony depositions, by way of sworn Declaration and in support thereof respectfully states:

1. Opposer currently has filed a Motion for Final Six Month Suspension for this proceeding.

2. Opposer is hopeful that continued negotiations between the parties as discussed in the pending Suspension Motion will result in the parties amicably resolving this dispute.

3. It is believed that at least some if not all of Applicant’s witnesses are located outside of South Florida where Opposer and Opposer’s counsel are located and similarly

at least some if not all of Opposer's witness are located outside of Minnesota where Applicant's counsel is located and where Applicant is believed to be located.

3. However, in the event that the matter isn't settled, in order to reduce time and costs for both sides, Opposer respectfully requests permission from the Board to present all of his Testimonial Evidence through Declarations from Opposer's witnesses.

4. Opposer is of course agreeable to Applicant also being permitted to submit its Testimonial Evidence in the same manner.

5. Such request will allow the parties to avoid the significant costs and time that would be required to present such testimony through Testimonial Deposition(s), including, without limitation, travel costs for attending depositions and court reporter costs and associated legal fees.

6. Though Opposer has currently filed a Suspension Motion, Opposer respectfully requests that the instant Motion be ruled on the Board, so that parties will know whether declaration testimony can be submitted in the event that this matter is not amicably resolved and proceedings are resumed.

WHEREFORE, Opposer respectfully requests that the Board issue an Order granting the instant Motion and allowing both parties to present their respective testimonial evidence by Witness Declaration(s), in lieu of Testimony Deposition(s), during their respective Testimonial Periods, in the event the matter is not amicably resolved by the parties.

Respectfully submitted,
Attorneys for Opposer

/Daniel S. Polley/
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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of May 2016, a true copy of the foregoing OPPOSER'S MOTION FOR PERMISSION TO PRESENT TESTIMONIAL EVIDENCE THROUGH WITNESS DECLARATIONS was served by first class mail to Applicant's counsel:

Abiola Shobola, Esq
1239 Highland Parkway
St Paul, Minnesota 55116

Executed on May 16, 2016

/Daniel S. Polley/
Daniel S. Polley, Reg. No. 34,902